

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 5:12-cr-2006 RB

CORINA ANGELA CHAVEZ,

Defendant.

ORDER

THIS MATTER is before the Court sua sponte. The Court has reviewed the briefing on Chavez's most recent motion for compassionate release. (See Docs. 791; 795–96.) Having considered the briefs, the Court finds the following order should be entered:

IT IS ORDERED that counsel for the United States shall obtain from the BOP Chavez's complete medical records and file them (restricted to case participants only) no later than **January 6, 2025**.

IT IS FURTHER ORDERED that counsel shall be appointed to Chavez for the purpose of investigating the propriety of a sentence reduction and, if necessary, to file a supplemental motion for compassionate release on her behalf.

IT IS FURTHER ORDERED that counsel for the parties shall meet and confer no later than **30 days** following the later of counsel's appointment and production of Chavez's full medical records. Should counsel agree that Chavez may qualify for a sentence reduction pursuant to the Court's concerns as outlined below, the Court directs counsel to file a joint status report making appropriate recommendations no later than **14 days** after the meet and confer.¹ Should counsel

¹ If counsel agree that Chavez may qualify for a sentence reduction but cannot agree on a recommended reduction, counsel may summarize their positions in the joint status report.

disagree about whether a sentence reduction is appropriate, counsel shall file a joint status report to notify the Court of their disagreement.

In the event that counsel do not agree that a sentence reduction is appropriate, the Court orders supplemental briefing as follows. Counsel for Chavez shall file a supplemental brief that focuses on two issues: (1) whether a sentence reduction is warranted because Chavez was sentenced based on amounts of both pure methamphetamine and a mixture of methamphetamine. Chavez argues, and the Court agrees, that the methamphetamine Guidelines are not based on empirical data and may lead to unwarranted sentencing disparities. *See, e.g., United States v. Ibarra-Sandoval*, 265 F. Supp. 3d 1249, 1252–53 (D.N.M. 2017). (2) whether Chavez may qualify for a sentence reduction due to the fact that she has documented medical issues with urinary and stool incontinence, a documented medical history that provides a possible explanation for her current complaints, and multiple documented requests for treatment with no apparent movement toward providing that treatment.

Appointed counsel's supplemental brief is due no later than **14 days** after the parties file the joint status report notifying the Court of the result of their meet and confer. The Government shall respond no later than **14 days** following the supplemental brief. Chavez may file a reply brief no later than **14 days** following the response.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE